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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,870	02/15/2001	Daniel Arthur Kolke JR.	310118.401	4567

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EXAMINER

STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,870

Applicant(s)

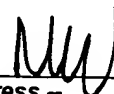
KOLKE, DANIEL ARTHUR

Examiner

Jonathan G. Sterrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Summary

1. Claims 1-38 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10-21, 23-34, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Verba, US Patent 6,236,977.

Regarding Claim 1, Verba discloses establishing a referral list comprising data related to a plurality of entities that desire referrals to identify potentially desirable clients (Figure 2 #56 Agents; Figure 2 #60, clients in market to make purchase; Figure 4 #140 mailing list for candidates); storing a general characterization of potentially desirable clients for a selected one of the plurality of entities (column 12 line 22-23, database stores person contact information; column 9 line 36-37, aggregated set of contacts created for marketing campaign) sending to others of the pluralities of entities a request representing the general characterization (column 10 line 7-8, CSR telemarketing campaign receives a list of outbound call candidates; column 10 line 28-29, referrals provided to agents); and receiving a response to the request from at least one of the

others of the plurality of entities (column 10 line 36-37, when referral becomes customer of agent, system updates which referrals were successful), the response identifying a potentially desirable client to the selected entity contact information from referral list (column 10 line 45-47, system identifies which referrals are most likely to become customers).

Regarding Claim 2, Verba discloses wherein contact information from the referral list is used to send the requests (column 18 line 51-52, contact information consisting of addresses, phone numbers and email addresses is used for campaigns).

Regarding Claim 3, Verba discloses sending a communication to the identified potentially desirable client to thereby refer the identified potentially desirable client to the selected entity (column 7 line 64-65, campaign calls out to prospective leads to obtain qualified referrals for agents).

Regarding Claim 4, Verba discloses wherein the sending of the communication is accomplished automatically without intervention by the selected entity or the at least one of the others of the plurality of entities (column 7 line 66-67, campaign set up automatically via virtual marketing director).

Regarding Claim 5, Verba discloses wherein the communication that is sent is e-mail (column 18 line 52, contact information includes email address).

Regarding Claim 6, Verba discloses the identified potentially desirable client responding to the referral communication (column 10 line 36, system identifies which referrals have become customers).

Regarding Claim 7, Verba discloses wherein the response comprises an acceptance of the referral communication (column 10 line 36, system identifies which referrals have become customers).

Regarding Claim 8, Verba discloses wherein the response declines the referral communication (column 10 line 39-40, system identifies which referrals became customers of different brokers).

Regarding Claim 10, Verba discloses adding an entity to the plurality of entities (column 9 line 22-23, system handles agent recruiting).

Regarding Claim 11, Verba discloses storing a general characterization of potentially desirable clients for the added entity (column 4 line 43, database model is used for system; column 10 line 27-28, referrals supplied to appropriate agents).

Regarding Claim 12, Verba discloses storing, processing, and reporting data related to sales resulting from referrals of potentially desirable clients (column 10 line 35-37, system identifies which referrals have become customers; column 20 line 55, query calculates top 10 accounts for fiscal year 1997).

Regarding Claim 13, Verba discloses wherein the storing, processing, and reporting of sales data is performed for each of the referrals of potentially desirable clients (column 21 line 14-15, query determines what customers had repeat business in last year).

Regarding Claim 14, Verba discloses storing, processing, and reporting the referrals of potentially desirable clients (column 21 line 3-4, query reports what

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information does system have for Jane Smith; column 21 line 18-19, what percentage of leads became listings).

Regarding Claim 15, Verba discloses wherein the storing, processing, and reporting the referrals of potentially desirable clients is performed according to each of the plurality of entities (column 11 line 66 – column 12 line 2, referral generation process matches each referral to an agent; column 10 line 36-37, system identifies which referrals have become customers of agent).

Regarding Claim 16, Verba discloses wherein the storing, processing, and reporting the referrals of potentially desirable clients is performed according to each of the plurality of entities for a predetermined period of time (column 20 line 60-61, query reports which agents had lowest percentage of offers accepted in past month).

Regarding Claim 17, Verba discloses: submitting a general description of potentially desirable clients to a referral list by a selected entity (column 10 line 23-25, referrals supplied from CSR at call center); receiving a response from at least one of the other entities, the response identifying a potentially desirable client to the selected entity (column 10 line 27-28, referrals supplied to agents); and receiving an inquiry from the identified potentially desirable client, wherein the identified potentially desirable client has been sent a communication indicating the referral (column 6 line 43-44, public interface allows public to manage campaigns and obtain services provided, including referrals).

Regarding Claim 18, Verba discloses receiving data relating to the

sales resulting from the referral received from at least one of the other entities (column 10 line 39, system tracks which referrals became customer of other brokers; column 20 line 66, what deals can be attributed to a certain campaign).

Regarding Claim 19, Verba discloses wherein the selected entity submits a general description of potentially desirable clients by selecting from a menu offering types of clients (column 15 line 11-13, contact priority score calculated for clients; column 12 line 31-32, all users can access system with standard web browser software).

Regarding Claim 30, Verba discloses a data structure in a computer storage mechanism for managing business referrals, the structure comprising: a field for storing a requesting entity name (Figure 10, Person table with "firstName" field); one or more fields for storing descriptions of potentially desirable clients for the requesting entity (Figure 12, LegalEntity); and a field for storing a responding entity name (Figure 12, MarketAgent).

Claims 20, 21, 23-29 and 31-33 recite limitations already addressed by the rejection of Claims 1-3 and 6-8, therefore the same rejection applies.

Regarding Claim 34, Verba teaches sending a referral survey to the customer whereby the sending to a customer a referral query is initiated in response to receiving a completed referral survey from the customer (column 7 line 13-15, marketing campaigns send surveys to customers for the purpose of generating scores).

Regarding Claim 37, Verba teaches sending an introduction to an entity named by the referral (column 9 line 1-4, public contacts through website passed on to agents for followup).

Regarding Claim 38, Verba teaches obtaining the subscribers permission to send an introduction to an entity named by the referral (column 9 line 59-62, all leads compete for specific leads, including providing permission for specific contacts).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 22, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verba US Patent 6,236,977.

Regarding Claim 9, Verba teaches providing referrals to clients and tracking when those clients become customers (column 10 line 27-29, system extracts referrals and provides them to agents; column 10 line 41-44, system is self-tuning to identify which leads have become customers). Verba does not teach reminding the identified potentially desirable client to respond to the referral communication if the identified potentially desirable client has not responded to the referral within a predetermined time period. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Verba to remind clients to respond to the referral within a predetermined time for the purpose of improving the success rate of the referrals and to determine if potential clients are still interested.

Regarding Claim 22, Verba teaches providing emails to customers (column 18 line 51, emails sent to customers). Verba does not teach wherein the communication

responding to the referral is generated in part by activation of a link contained in the referral from a first entity. It is old and well known in the art to provide emails with links to additional information provided by the sender, including links that indicate response to a referral. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Verba to include the communication responding to the referral is generated in part by activation of a link contained in the referral from a first entity for the purpose of automating the referral process.

Regarding Claim 35, Verba teaches sending to the customer an email containing a referral survey (column 7 line 13-15, marketing campaigns send surveys to customers for the purpose of generating scores; column 18 line 51, emails sent to customers). Verba does not teach providing links in emails. It is old and well known in the art to provide emails with links to additional information provided by the sender, including links to surveys. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Verba to include providing a link in an email to the referral survey for the purpose of automating the customer survey process.

Regarding Claim 36, Verba teaches sending to the customer an email containing a referral survey (column 7 line 13-15, marketing campaigns send surveys to customers for the purpose of generating scores; column 18 line 51, emails sent to customers). Verba does not teach creating a referral survey in response to the customer activating the link. Verba's surveys are created automatically by the virtual 'campaign engine' (column 6 line 53). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Verba to include creating a referral

survey in response to the customer activating the link for the purpose of automating the creation of surveys for customers.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stephanou US Patent 6,513,013 discloses a system for providing expert referral over a network.

Joao US Patent 6,662,194 discloses a system and method for evaluating a group of candidates against a set of skills.

Schroeder US Patent 6,760,727 discloses a system for customer contact information management.

Celik US Patent 6,654,768 discloses a method and apparatus for storing and retrieving business contact information in a computer system.

Powers US Patent 6,557,003 discloses a method and apparatus for multiple agent commitment tracking and notification.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 12-7-04



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